

**Date:** May 04, 2010

**To:** Trustee, Commissioner, or Board Member

**From:** Board of Selectmen

**Subject:** Member Kit

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Many of the important functions of town government are carried-out by volunteers to our various boards and commissions. As either a first-time appointee/successful candidate or one who is continuing to serve but has yet to review these materials, there is some information the Selectmen feel it is important you receive. This packet includes a portion of that material.

The Selectmen appreciate having you as a volunteer. In order to be of the greatest value and to carry out the duties of the position responsibly, you have to be a knowledgeable volunteer. Before you get started, be sure to ask the chairman for information related to your responsibilities, any training that may be offered, and any additional material that may help you understand your duties.

The material made part of this kit covers the Right To Know law and questions you might have about liability exposure.

The Right To Know law was passed because the legislature believed that the actions of government should be open to the public with only a few exceptions, and that a record should be kept of the proceedings. Please take the time to familiarize yourself with the nine enclosed pages that summarize the Right To Know provisions. It is critical that the Town and your Board are in compliance with this law.

Many people are wary of volunteering for fear of being sued for a decision they make. In a nutshell, volunteers are immune from suit as long as they are acting in their official capacity, in good faith, and within the scope of their duties (RSA 508:17 for general volunteers and RSA 31:104 for members of boards, committees, or commissions). Of course someone can bring suit claiming such is not the case. In such an instance, RSA 31:105 allows the Town to pay for legal expenses. The Town voted to do so under Article 26 of the 1989 Town Warrant. RSA 491:24 goes on to say that if the court finds suit was brought to harass or influence an official's actions, the plaintiff will have to pay all court costs and reasonable attorney fees for the defendant. As you can see, both the State and the Town have tried to put in place legal protections so exposure to liability is not a serious concern. Furthermore, for those of you who have Homeowners policies, your personal liability extends to volunteer activities of a non-profit nature for any bodily injury or property damage claim.

Thank you for offering to serve your community. While it may take some time to become familiar with your duties, the Selectmen hope it will prove to be a worthwhile experience.

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Christine Quirk

Rodney Towne

Dwight Lovejoy

NEW BOSTON BOARD OF SELECTMEN